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CONTRACTS—SALE OF GOODS “F. O. B. CARS”—DUTY TO FURNISH CARS.—A sale of goods to be delivered “F. O. B. cars” is held, in *Vogt v. Shienebeck* (Wis.), 67 L. R. A. 756, to impose on the seller the duty of procuring the cars to carry out the contract, in the absence of clear and satisfactory evidence of a custom to the contrary, known to both parties to the transaction at the time of making the contract.

NUISANCE—INJUNCTION TO RESTRAIN—STEAM WHISTLE.—The right to an injunction to restrain the blowing of a whistle at a factory is denied, in *Redd v. Edna Cotton Mills* (N. C.), 67 L. R. A. 983, where it is not clear that it amounts to a nuisance, until the fact of nuisance has been established by action at law.

CRIMINAL LAW—ATTEMPT TO COMMIT ROBBERY—ACCOMPLICE AN OFFICER—OVERT ACT—SEC. 3888, VA. CODE 1904.—In the case of *People v. Edgar A. Du Veau*, decided by the Supreme Court of New York May 1905 (New York Law Journal, June 29, 1905), it was shown that the defendant suggested to one N. to rob a man named L., the proceeds of the robbery to be divided between them. The defendant subsequently purchased a piece of hose in which he inserted a piece of lead pipe and gave it to N. as a weapon with which to assault L. The defendant made other arrangements for the proposed robbery with N. and a confederate, and gave detailed instructions. He finally arrived at the time arranged, in front of the premises where the robbery was to be consummated. N. and the confederate went upstairs. The defendant waited below and while thus waiting was arrested.

It appeared that N., when the suggestion of robbery was made him by the defendant, reported it to the District Attorney and acted thereafter in concert with the county detective, and the supposed confederate was one of the employees of the District Attorney's office. It was claimed that because the defendant's accomplices were acting under the instructions of the District Attorney no crime could have been committed, and that therefore the defendant could not have been guilty of an attempt to commit a crime. It was held that this was no defense, and that as the first suggestion of the robbery came from the defendant and the person to be robbed had no part in the transaction and was not even warned of the attempt, the case was different from one where the owner of property, learning that an attempt was to be made to rob him, takes part in the act, aiding the robbers in their attempt.

In our statute, sec. 3888, Va. Code 1904, it has been held that an attempt to commit a crime consists, first, in the intention and, second, by the direct ineffectual act towards its commission, and that the act must reach far enough towards the accomplishment of the desired result to amount to the commencement of the consummation. *Hicks' Case*, 86 Va. 225, 9 S. E. 1024, 19 Am. St. Rep. 891; *Glover's Case*, 86 Va. 382, 10 S. E. 420. See also 6 Va. Law Reg. 120; 11 Va. Law Reg.